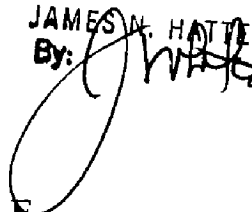


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JAMES N. HATTEN, CLERK
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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MATTHEW SHIREY

Plaintiff,

v.

PENNCRO ASSOCIATES, INC.
A Pennsylvania Corporation,

Defendant.

CIVIL ACTION FILE

NO. **1 07 - C.V. - 2395**

CA

COMPLAINT FOR DAMAGES

INTRODUCTION

1. This is an action for damages against the Defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. section 1692k(d) and 28 U.S.C. section 1337 (federal question jurisdiction).

PARTIES AND PERSONAL JURISDICTION

3. Plaintiff MATTHEW SHIREY is a resident of this State, District and Division who is authorized by law to bring this action.
4. Defendant PENNCRO ASSOCIATES, INC. is a corporation organized under the laws of the State of New York. [Hereinafter said Defendant is referred to as "PENNCRO"]
5. PENNCRO is subject to the jurisdiction and venue of this Court.
6. PENNCRO may be served by personal service upon its registered agent in the State of Georgia, to wit: CT Corporation System, 1201 Peachtree Street, NE, Atlanta, GA 30361, or wherever said agent may be found.
7. Alternatively, Defendant may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure, the laws of the State of Pennsylvania, and/or the laws of the State of Georgia.
8. Other defendants may be discovered in the course of litigation, and Plaintiff respectfully prays that the Court will permit the addition of later discovered parties upon motion.

FACTS COMMON TO ALL CAUSES

9. Defendant uses telephone communications in its business.
10. Defendant uses the mails in its business.
11. The principal purpose of Defendant's business is the collection of debts.
12. Defendant regularly collects or attempts to collect debts owed or due or asserted to be owed or due to another.
13. Defendant is a debt collector subject to the provisions of the Federal Fair Debt Collection Practices Act.
14. On or about September 27, 2007, Defendant attempted to contact Plaintiff by telephone.
15. In the September 27, 2007 phone call, Defendant left a voice message on Plaintiff's answering machine.
16. In the September 27, 2007 phone message, the caller did not state the company she worked for.
17. In the September 27, 2007 phone message, the caller did not state that the communication was from a debt collector.
18. In the September 27, 2007 phone message, the caller did not state that the communication was an attempt to collect a debt.

19. Defendant, by and through its collection agent employees, has left prior similar messages that also failed to make the necessary disclosures as required by law.
20. Defendant's communications violate the federal Fair Debt Collection Practices Act.
21. Plaintiff has complied with all conditions precedent to bring this action.

CAUSES OF ACTION

COUNT ONE: FAIR DEBT COLLECTION PRACTICES ACT

22. Defendant's violations of the FDCPA include, but are not limited to, the following:
 23. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
 24. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e; and

25. Failing to disclose in the initial oral communication that the debt collector is attempting to collect a debt and that any information would be used for that purpose, in violation of 15 U.S.C. § 1692e(11); and
26. As a result of Defendant's actions, Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney fees.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory damages;
- b) That Plaintiff be awarded the expenses of litigation including a reasonable attorney fee;
- c) That the Court declare each and every defense raised by Defendant to be insufficient; and
- d) That the Court grant such further and additional relief as is just in the circumstances.

Respectfully Submitted,

THE LAW OFFICE OF JAMES M. FEAGLE, P.C.

by:



James M. Feagle

Attorney for Plaintiff

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